

立法會
Legislative Council

LC Paper No. CB(2)2131/16-17
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by the Administration)

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Panel on Welfare Services and Panel on Health Services

Joint Subcommittee on Long-term Care Policy

Minutes of the seventh meeting
held on Tuesday, 27 June 2017, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex

Members present : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)
Hon SHIU Ka-chun (Deputy Chairman)
Hon LEUNG Yiu-chung
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon LEUNG Kwok-hung
Hon CHAN Han-pan, JP
Hon Alvin YEUNG
Dr Hon Pierre CHAN
Hon KWONG Chun-yu
Dr Hon LAU Siu-lai

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

Public Officers attending : Item II

Miss Stella CHANG
Principal Assistant Secretary for Labour and Welfare
(Welfare)3
Labour and Welfare Bureau

Mr Steve TSE
Principal Assistant Secretary for Labour and Welfare
(Special Duties)
Labour and Welfare Bureau

Ms WONG Yin-yee
Assistant Director of Social Welfare (Licensing and
Regulation)
Social Welfare Department

Ms Maggie LEUNG
Chief Social Work Officer (Licensing and
Regulation)1
Social Welfare Department

Ms Rosemary KWAN
Chief Social Work Officer (Licensing and
Regulation)2
Social Welfare Department

Ms Yen PUN
Assistant Secretary for Labour and Welfare
(Rehabilitation) Special Duties 1
Labour and Welfare Bureau

Attendance by invitation : Item II

The Civic Party

Mr MAK Tsz-kin
District Developer of the New Territories East

DAB

Mr TSOI Shing-hin
Deputy Spokesperson

關注家居照顧服務大聯盟

Mr KWONG Wing-tai
Representative

Miss LAU Oi-lam

社區及院舍照顧員總工會

鄭清發先生
秘書

Mr WONG Cho-ki

Miss KWAN Kit-man

爭取資助院舍聯席

林禮勝先生
召集人

Mr YIP Kei-chun

Ms LAM Sin-man

何偉鈴女士

Elderly Rights League (H.K.)

Ms LAU Sau-kam
Vice chairperson

Long term care concern group

Ms HO Yau-lin
Member

Society for Community Organization

Mr NG Wai-tung
Community Organizer

Mental Health Concern Group

Ms YUEN Shuk-yan
Community Organizer

The Association of Parents of the Severely Mentally
Handicapped

Mr LEE Chi-yung
Chairman

將軍澳長者民生關注會

Ms MAK Yuen-lin
Representative

Ms YIP So-yu

Ms CHEUNG Ngan-yip

New People's Party

Miss Dana LAU
Community Development Officer

Miss NG Tan-sha

Elderly Right Concern Group@Kwai Chung Estate

Miss SO Sim-yan
Representative

Labour Party

Mr KWOK Wing-kin
社區幹事

Chosen Power

Mr CHAN Tsun-kit
Director

Chosen Parents Network

Ms AU Yim-fong
Chairperson

Ms Carman TAM

Ms FUNG Wai-ying

The Forthright Caucus

何寶貞女士

Hong Kong Council of Social Service

Ms Emily LEUNG Hoi-yan
Chief Officer (Elderly Service)

基督徒社工

陳家傑先生
組織代表

Mr LI Chi-on

Mr YEUNG Ka-keung

The Hong Kong Joint Council of Parents of the
Mentally Handicapped

Ms LEE Cheung-pui
Executive Member (Advocacy and Service)

Clerk in attendance : Mr Colin CHUI
Chief Council Secretary (2) 4

Staff in attendance : Miss Kay CHU
Senior Council Secretary (2) 5

Miss Meisy KWOK
Legislative Assistant (2) 6

Action

I. Proposal on the continuation of work of the Joint Subcommittee
[LC Paper No. CB(2)1712/16-17(01)]

Members agreed to the proposed continuation of the Joint Subcommittee's work up to 30 November 2018. The Joint Subcommittee would seek the agreement of the Panel on Welfare Services and Panel on Health Services to the proposal before submitting it to the House Committee for endorsement.

II. Service quality of private residential care homes
[LC Paper Nos. CB(2)1712/16-17(02) to (03), CB(2)1738/16-17(01) to (02), CB(2)1739/16-17(01) to (02), CB(2)1758/16-17(01) to (07) and CB(2)1858/16-17(01)]

2. The Joint Subcommittee deliberated (index of proceedings attached at **Annex**).

Action

Admin

3. The Chairman requested the Administration to provide the following information in writing:

- (a) the number of cases in which the Planning Department ("PlanD") and other relevant government bureaux/departments did not heed the advice of the Social Welfare Department ("SWD") on building a residential care home for the elderly ("RCHE") at a vacant site or vacant government or school premises in the past 10 years;
- (b) the number of cases in which SWD did not build an RCHE at the land earmarked by PlanD for that purpose in the past 10 years;
- (c) the number of elderly residents of RCHEs who were suffering from bed sores recorded by the inspectors of the Licensing Office of RCHEs during their inspection at RCHEs in the past five years;
- (d) cases relating to the change of use of a building to an RCHE by amending the deed of mutual covenant in the past five years, in particular those cases involving business conglomerates;
- (e) the persons who raised objection at District Council meetings to the setting up of residential care homes ("RCHs") in the districts concerned;
- (f) the sites or space, if any, which had been reserved for subsidized or private RCHs in the past public or private housing development projects; and
- (g) the SWD's requirements for organizing training programmes (e.g. content and duration) for staff members of RCHs to improve their quality of service.

III. Any other business

4. There being no other business, the meeting ended at 7:21 pm.

**Proceedings of the seventh meeting of the
Joint Subcommittee on Long-term Care Policy
on Tuesday, 27 June 2017, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s) / Discussion	Action required
<i>Agenda item I – Proposal on the continuation of work of the Joint Subcommittee</i>			
001029 – 001151	Chairman	Consent of members on the proposed continuation of work of the Joint Subcommittee	
<i>Agenda item II – Service quality of private residential care homes</i>			
001152 – 001700	Chairman	Opening remarks	
001701 – 002016	The Civic Party	Presentation of views [LC Paper No. CB(2)1758/16-17(01)]	
002017 – 002335	DAB	Presentation of views	
002336 – 002557	關注家居照顧服務 大聯盟	Presentation of views [LC Paper No. CB(2)1758/16-17(02)]	
002558 – 002854	Miss LAU Oi-lam	Presentation of views	
002855 – 003152	社區及院舍照顧員 總工會	Presentation of views	
003153 – 003503	Mr WONG Cho-ki	Presentation of views	
003504 – 003752	Miss KWAN Kit-man	Presentation of views	
003753 – 004102	爭取資助院舍聯席	Presentation of views [LC Paper No. CB(2)1758/16-17(03)]	
004103 – 004438	Mr YIP Kei-chun	Presentation of views	
004439 – 004814	Ms LAM Sin-man	Presentation of views	
004815 – 005130	何偉鈴女士	Presentation of views [LC Paper No. CB(2)1739/16-17(02)]	
005131 – 005501	Elderly Rights League (H.K.)	Presentation of views	

Time marker	Speaker(s)	Subject(s) / Discussion	Action required
005502 – 005846	Long term care concern group	Presentation of views	
005847 – 010251	Society for Community Organization	Presentation of views [LC Paper No. CB(2)1758/16-17(04)]	
010252 – 010614	Mental Health Concern Group	Presentation of views	
010615 – 010900	The Association of Parents of the Severely Mentally Handicapped	Presentation of views [LC Paper No. CB(2)1738/16-17(01)]	
010901 – 011153	將軍澳長者民生關注會	Presentation of views	
011154 – 011512	Ms YIP So-yu	Presentation of views	
011513 – 011803	Ms CHEUNG Ngan-yip	Presentation of views	
011804 – 012136	New People's Party	Presentation of views	
012137 – 012502	Miss NG Tan-sha	Presentation of views	
012503 – 012818	Elderly Right Concern Group@Kwai Chung Estate	Presentation of views	
012819 – 013148	Labour Party	Presentation of views	
013149 – 013512	Chosen Power	Presentation of views [LC Paper No. CB(2)1758/16-17(05)]	
013513 – 013851	Chosen Parents Network	Presentation of views [LC Paper No. CB(2)1758/16-17(06)]	
013852 – 014141	Ms Carman TAM	Presentation of views [LC Paper No. CB(2)1758/16-17(07)]	
014142 – 014524	Ms FUNG Wai-ying	Presentation of views	
014525 – 014846	The Forthright Caucus	Presentation of views [LC Paper No. CB(2)1858/16-17(01)]	

Time marker	Speaker(s)	Subject(s) / Discussion	Action required
014847 – 015118	Hong Kong Council of Social Service	Presentation of views [LC Paper No. CB(2)1739/16-17(01)]	
015119 – 015704	基督徒社工	Presentation of views	
015705 – 015904	Mr LI Chi-on	Presentation of views	
015905 – 020237	Mr YEUNG Ka-keung	Presentation of views	
020238 – 020659	The Hong Kong Joint Council of Parents of the Mentally Handicapped	Presentation of views	
020700 – 021918	Chairman Admin	<p>The Chairman summarized views expressed and suggestions made by the deputations and individuals on the service quality of private residential care homes ("RCHs") as follows:</p> <p>(a) the Administration should expedite the review of the codes of practice for residential care homes for the elderly ("RCHEs") and residential care homes for persons with disabilities ("RCHDs") ("CoPs") as well as the RCHE and RCHD legislation; and increase the transparency of the Service Quality Group ("SQG") Scheme under the Social Welfare Department ("SWD") as well as the warning records and inspection outcome of private RCHs;</p> <p>(b) the arrangement for the visits paid by SQGs to RCHs was considered unsatisfactory (e.g. the duration of the visits was too short and the coverage of the checklist was too narrow);</p> <p>(c) there were concerns over the planning and development of the provision of subsidized residential care services ("RCS"); and the Pilot Scheme on Residential Care Service Voucher for the Elderly ("the RCSV Pilot Scheme"), which was designed based on the "money-following-the-user" approach, might ultimately benefit operators of private RCHEs instead of improving service quality of these homes; and</p>	

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		<p>(d) there were suggestions that case management service should cover all residents of RCHs, and more support should be provided for private RCHs to upgrade their facilities and services.</p> <p>Stressing that it attached great importance to the service quality of RCHs, the Administration briefed members on the memberships of SQGs and the Working Group on the Review of CoPs and legislation for RCHEs and RCHDs ("the Working Group"), and the work progress of the improvement measures for stepping up law enforcement and increasing transparency set out in the Administration's paper [items 6, 12, 13 and 14 of the Annex to LC Paper No. CB(2)1712/16-17(02)] and added that:</p> <p>(a) subsequent to the setting up of the Licensing and Regulation Branch in May 2017, SWD had set up in June 2017 the Working Group to review the CoPs for RCHEs and RCHDs as well as the RCHE and RCHD legislation ("the Review"). As the Review would cover a wide scope of issues (e.g. requirements for manpower and space, professional requirements and training programmes for RCH staff, categorization of RCHs and registration system for health workers), it was expected that the Working Group would draw up some concrete recommendations in two years, and submit them to the Labour and Welfare Bureau for consideration, following which consultation with the relevant stakeholders would be conducted before formulating proposals on legislative amendments and revising CoPs. In the course of the Review, the Administration would introduce administrative measures to strengthen the monitoring of RCHs as and when appropriate;</p> <p>(b) SWD had added certain products with high applicability (e.g. hoists and lifters, and bed monitoring system) to the Reference Furniture and Equipment Lists ("the Lists") to facilitate procurement by subsidized RCHEs through applying for Lotteries Fund. SWD was preparing to further update the Lists by adding more suitable technological products and</p>	

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		<p>equipment, and would continue to strengthen its work in this regard;</p> <p>(c) the dedicated teams under the Licensing and Regulation Branch ("the Teams") would continue to conduct surprise inspections to RCHs to monitor their compliance with CoPs and related Ordinances. Separately, members of SQGs would continue to pay unannounced visits to RCHs to make observations and suggestions about their facilities and services. The Administration would examine the existing arrangement for SQGs' visits taking into account the deputations' views in this regard; and</p> <p>(d) the implementation of the RCSV Pilot Scheme aimed to provide an additional option for eligible elderly persons to choose RCS that suited their needs, but would not affect the provision of subsidized elderly services in conventional mode.</p>	
021919 – 022551	Chairman Deputy Chairman Admin	<p>The Deputy Chairman shared an individual's concern that non-compliance of some RCHEs might not be reported to SWD having regard to the uncertainty over the accommodation arrangement for elderly residents involved once the licence of the RCHE concerned was revoked or not renewed. The Administration advised that any suspected non-compliance of RCHEs should be reported to SWD as soon as possible for follow up as appropriate. The Chairman called on the Administration to consider stipulating in the law that SWD would take over any RCHE whose licence had been revoked or had not been renewed.</p> <p>The Deputy Chairman also asked whether:</p> <p>(a) the inspectors of the Licensing Office of RCHEs had, during their inspection at RCHEs, recorded the number of elderly residents suffering from bed sores;</p> <p>(b) the Administration was aware of any cases relating to the change of use of a building to an RCHE by amending the deed of mutual covenant, in particular those cases involving business conglomerates;</p>	

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		<p>(c) the Administration would make available on the internet information on the SQG members' observations and suggestions about RCHs' facilities and services and the response of the RCHs concerned; and</p> <p>(d) the views expressed and suggestions made by the deputations and individuals at the meeting would be taken into account in formulating the Elderly Services Programme Plan ("ESPP").</p>	
022552 – 023314	Chairman Dr LAU Siu-lai Admin	<p>Dr LAU Siu-lai asked the Administration to explain why the provision of subsidized RCHE places and manpower supply of the elderly care industry could never meet the increase in the service demand arising from the ageing population. In response to Dr LAU's question about the use of vacant government or school premises, the Administration advised that in considering the use of the aforesaid premises, the responsible government bureaux/departments would take into account a series of planning factors. In spite of the scarcity in land resources, the Administration would continue to strive for increasing the provision of RCHEs in future development projects.</p> <p>At the request of Dr LAU, the Administration undertook to provide information on the number of cases in which the Planning Department and other relevant government bureaux/departments did not heed the advice of SWD on building an RCHE at a vacant site or vacant government or school premises in the past 10 years. Dr LAU also asked the Administration to:</p> <p>(a) increase the ratio of subsidized places to non-subsidized places of RCHEs instead of implementing privatization, and improve the ratio of nursing staff to elderly residents in RCHEs; and</p> <p>(b) take measures to ensure that frontline staff of RCHEs could earn a reasonable remuneration with an aim to attract more people to join the industry.</p> <p>At 6:59 pm, the Chairman extended the meeting for 15 minutes beyond the appointed ending time.</p>	<p>Admin (para. 3(a) of the minutes)</p>

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023315 – 023912	Chairman Mr LEUNG Kwok-hung Admin	Mr LEUNG Kwok-hung said that the Administration did not introduce universal retirement protection while none of its measures for addressing elderly persons' needs for RCS, community care services ("CCS") and in other aspects was considered effective. He called on the Administration to designate a commissioner to handle issues relating to the provision of RCHEs which were complicated.	
023913 – 024036	Chairman Dr LAU Siu-lai	Dr LAU Siu-lai asked the Administration to provide information on the number of cases in which SWD did not build an RCHE at the land earmarked by the Planning Department for that purpose in the past 10 years. She called on the Administration to put more efforts in enhancing the provision of RCHEs.	Admin (para. 3(b) of the minutes)
024037 – 024119	Chairman Deputy Chairman Admin	The Deputy Chairman requested the Administration to provide information on the issues in (a) and (b) above [time marker: 021919 – 022551] in the past five years.	Admin (para. 3(c) and (d) of the minutes)
024120 – 025255	Chairman 社區及院舍照顧員 總工會 The Association of Parents of the Severely Mentally Handicapped Ms FUNG Wai-ying 基督徒社工 Mr LI Chi-on Admin	<p>The Chairman said that the scarcity of land resources had never hindered the Administration to implement infrastructural projects. At the invitation of the Chairman, some deputations and individuals gave further views on expanding the composition of the Working Group and SQGs, diversifying the delivery mode of services for the elderly and persons with disabilities, increasing provision of RCS for persons with mental health problems, and providing reports of the Working Group in an easy-to-understand version. The Administration was also requested to provide information on:</p> <p>(a) the persons who raised objection at District Council meetings to the setting up of RCHs in the districts concerned given that these persons might have contravened the Disability Discrimination Ordinance (Cap. 487);</p> <p>(b) the sites or space, if any, which had been reserved for subsidized or private RCHs in the past public or private housing development projects; and</p>	Admin (para. 3(e) to (g) of the minutes)

Time marker	Speaker(s)	Subject(s) / Discussion	Action required
		<p>(c) SWD's requirements for organizing training programmes (e.g. content and duration) for staff members of RCHs to improve their quality of service.</p> <p>The Chairman requested the Administration to provide the requisite information in (a) to (c) above and relay deputations' strong call for appointing representatives of service users and employee bodies to the Working Group to SWD for consideration.</p> <p>The Administration advised that:</p> <p>(a) the Working Group had a wide representation from various sectors, including parents of service users with intellectual disability. The Administration reiterated that relevant stakeholders would be consulted on the recommendations drawn up by the Working Group;</p> <p>(b) the Administration would start formulating a new Hong Kong Rehabilitation Programme Plan in the second half of 2017 taking into account stakeholders' views in this regard; and</p> <p>(c) the consultant team of ESPP had prepared a projection on the demand for subsidized long-term care ("LTC") services, and proposed reinstating population-based planning ratios for subsidized RCS and CCS.</p>	
025256 – 025517	Chairman	<p>The Chairman said that the Administration should expedite the Review, and consider inviting more stakeholders from various sectors to participate in SQGs and the Working Group. The Joint Subcommittee might discuss and receive public views on the Review and issues relating to the planning for the provision of LTC services in future meetings.</p>	